

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS ZAGREB 000215

SIPDIS

STATE FOR OES/ETC AVILLEGAS  
ROME FOR FAO  
VIENNA FOR AG ATTACHE  
BUDAPEST FOR ENVIROMENTAL HUB

E.O. 12958: N/A

TAGS: [EAGR](#) [EAID](#) [SENV](#) [TBIO](#) [HR](#)

SUBJECT: CROATIA: BACKGROUND ON NEGOTIATIONS ON ACCESS TO  
GENETIC RESOURCES

REF: 04 STATE 269625

#### SUMMARY AND COMMENT

1. Croatia has yet to establish clear rules and procedures governing Access and Benefit Sharing (ABS) of genetic resources apart from permits required to conduct research on protected land or endangered species. Authority for implementing CBD (Convention on Biological Diversity) MAT (Mutually Agreed Terms) and PIC (Prior Informed Consent) provisions is divided and changing. While Croatia expects to be represented at negotiations on ABS in Bangkok, it is unlikely to take a strong position. Headings below key responses to questions contained in reftel. END SUMMARY AND COMMENT.

#### LEGISLATION AND REGULATION OF RESEARCH AND COLLECTION OF BIOLOGICAL RESOURCES

2. Croatian law distinguishes between research that does and does not involve protected land or endangered species. Currently, researchers do not require special research permits beyond visas normally required to enter the country to conduct research on biological and genetic resources, provided the resources are neither located in a specially-designated nature protection area nor derived from endangered plants or animals. In order to conduct research either in a protected area or involving an endangered species, the researcher first must obtain written permission from the Ministry of Culture Department of Nature Protection, which administers Croatia's fourteen national parks and two-volume endangered species list. Applications must include detailed information about the type of research to be performed and the protected land of species involved. While researchers are not by law required to be affiliated with a Croatian research institute to apply for a permit, in practice most permits are granted to Croatian institutes. Both Croatian and foreign researchers are subject to the same permit procedure.

3. The Ministry of Culture Department of Nature Protection is responsible for issuing research and collection permits involving land designated as protected or endangered species. Permits are done solely at the national level. Croatia does not yet include terms and conditions addressing the concept of mutually agreed terms in permits. Most applications for research in protected areas come from the large Rudjer Boskovic Institute and the university system; the vast majority of applications are approved.

#### MOVEMENT OF BIOLOGICAL SPECIMENS

4. Croatia currently has no procedures, terms, or conditions in place for obtaining a license to export or import non-CITES biological specimens. The Ministry of Agriculture, Forestry, and Water Management would be the competent state body for a licensing procedure should one be established. Post is aware of one case in 2004 where a German cosmetic company's request to export a non-CITES biological specimen was shelved indefinitely because of the lack of procedure for issuing the license.

#### LAWS AND PROCEDURES FOR NEGOTATING MUTUALLY AGREED TERMS FOR ACCESS

5. Negotiating responsibility is divided between four agencies -- the Ministry of Environmental Protection has lead authority and will likely represent the GoC at the talks while the Ministry of Culture's Department for Nature Protection, the independent State Office for Nature Protection, and the Ministry of Agriculture have consultative roles. Agencies do not differentiate among uses for basic science, commercial development, and agricultural research.

#### STATUS OF MAT AND PIC IN CROATIA

6. Currently no coordinating processes for the development of MAT (Mutually Agreed Terms) and PIC (Prior Informed Consent) regulations exist, though the Ministry of Culture

Department of Nature Protection is aware of this obligation under Croatia's CBD obligations. The Ministry of Culture is responsible for revising the latest (1999-2000) GoC National Strategic Plan for Biodiversity; while the Ministry of Culture will have lead authority for implementing MAT and PIC regulations, the Ministries of Maritime Affairs, Agriculture,

and Health will be included in interagency discussions.

17. The GoC is in the process of identifying a new focal point to replace Jasmina Radovic in the independent State Office for Nature Protection; however, responsibility for changing focal points requires a decision of the Minister of Culture with consent of the full government, insuring a slow process to identify a responsible GOC official for CBD issues.  
FRANK

NNNN